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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,213	01/21/2004	Kia Silverbrook	SMA03US	1347
24011 7590 09/25/2008 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA				
EXAMINER MARTINEZ, CARLOS A				
ART UNIT		PAPER NUMBER		
2853				
MAIL DATE		DELIVERY MODE		
09/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,213

Applicant(s)

SILVERBROOK ET AL.

Examiner

CARLOS A. MARTINEZ, JR.

Art Unit

2853

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 06/15/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/760180 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Silverbrook (US20020183088). Silverbrook discloses a cartridge for a digital photofinishing system ([0036]; [0042]), digital photofinishing system having a digital processor (refer to claim 2; also [0047]) and a printer (12) arranged to receive drive signals from the digital processor ([0006] to [0008]); the cartridge comprising a roll of print media ([0010]) removably mounted to a tubular core and a source of printing fluid to be delivered on demand to the printer ([0042]; also [0046], [0048]), the source of printing fluid comprising, at least one refillable container that is removably located

within the tubular core ([0043], [0044], [0046]; also Fig. 15) and the cartridge incorporating means for coupling with a print media feed drive mechanism ([0008]).

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Silverbrook (US6362868). Silverbrook discloses a cartridge for a digital photofinishing system (lines 24-31 of column 11), digital photofinishing system having a digital processor (lines 4-19 of column 261; lines 26-36 of column 100) and a printer (Fig. 162) arranged to receive drive signals from the digital processor (lines 4-19 of column 261; lines 26-36 of column 100; lines 33-42 of column 249); the cartridge comprising a roll of print media (1001; lines 43-59 of column 262) removably mounted to a tubular core and a source of printing fluid to be delivered on demand to the printer (refer to claims 1, 2, 8, and 16), the source of printing fluid comprising, at least one refillable container that is removably located within the tubular core (refer to claims 1, 2, 8, and 16) and the cartridge incorporating means for coupling with a print media feed drive mechanism (lines 20-37 of column 137).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO9904368 in view of Silverbrook (US20020183088).

- WO9904368 fails to specifically disclose a cartridge for a digital photofinishing system (lines 3-6 of page 1), digital photofinishing system having a digital processor (abstract) and a printer arranged to receive drive signals from the digital processor (line 19 of page 174 to line 2 of page 175); the cartridge comprising a roll of print media ([0010]) removably mounted to a tubular core and a source of printing fluid to be delivered on demand to the printer (lines 17-37 of page 178), and the cartridge incorporating means for coupling with a print media feed drive mechanism (lines 28-37 of page 177); however, WO9904368 fails to specifically disclose the source of printing fluid comprising, at least one refillable container that is removably located within the tubular core.
- Silverbrook discloses where the source of printing fluid comprising, at least one refillable container that is removably located within the tubular core (Fig. 15; also [0042], [0044], [0046], [0048]).
- Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify an ink cartridge of WO9904368, where the source of printing fluid comprising, at least one refillable container that is removably located within the tubular core, as taught by Silverbrook, for the purpose of providing a replenishable source of imaging.

Response to Arguments

5. Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Martinez whose telephone number is (571) 272-8349. The examiner can normally be reached on 8:30 am - 5:00 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARLOS A MARTINEZ, JR./
Examiner, Art Unit 2853
09/15/2008

/STEPHEN D. MEIER/
Supervisory Patent Examiner, Art Unit 2853